



General Assembly

January Session, 2009

Raised Bill No. 6471

LCO No. 3472

* ____HB06471GL____030409____*

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT MAKING CHANGES TO THE LIQUOR CONTROL ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-37c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 [(a)] A bowling establishment permit shall allow the retail sale of
4 alcoholic liquor to be consumed on the premises of a commercial
5 bowling establishment containing ten or more lanes. A bowling
6 establishment permit for beer and wine shall allow the retail sale of
7 beer and wine to be consumed on the premises of a commercial
8 bowling establishment containing ten or more lanes. The annual fee for
9 a bowling establishment permit shall be two thousand dollars and for
10 a bowling establishment permit for beer and wine shall be three
11 hundred fifty dollars.

12 [(b)] A racquetball facility permit shall allow the retail sale of
13 alcoholic liquor to be consumed on the premises of a commercial
14 racquetball facility containing five or more courts. The annual fee for a
15 racquetball facility permit shall be two thousand dollars.]

16 Sec. 2. Section 30-77 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2009*):

18 (a) Any person who, without a permit therefor, except as provided
19 in section 30-37 or subsection (b) of section 12-436, the provisions of
20 which shall not be construed as requiring an individual to be
21 physically present at the point of purchase of alcoholic beverages to
22 import such alcoholic beverages, or contrary to the provisions of this
23 chapter and the regulations of the Department of Consumer Protection
24 with respect to the class of permit held by such person, manufactures
25 or, by sample, by soliciting or procuring orders, or otherwise, sells or
26 delivers, or offers or exposes for sale or delivery, or owns or keeps
27 with intent to sell or deliver, or who ships, transports or imports into
28 this state, any alcoholic liquor, shall be subject to the penalties
29 prescribed in section 30-113; provided nothing in this section shall
30 prohibit any common carrier, warehouseman or other lien holder, or
31 any officer acting under legal process, or any insurance company that
32 acquires the same as the result of fire, flood or water damage, from
33 exercising the right of such person or such entity to sell alcoholic liquor
34 under a lien or such process or such acquisition, with the permission of
35 the department. The provisions of this section shall not apply to the
36 delivery to a permittee under this chapter of alcoholic liquor which is
37 legally authorized. The provisions of this section shall not apply to the
38 shipment into this state of ethyl alcohol intended for use or used for
39 scientific, mechanical and industrial uses, for use in hospitals and
40 public institutions, for medicinal purposes in the manufacture of
41 patented, proprietary, medicinal, pharmaceutical, antiseptic, toilet,
42 scientific, chemical, mechanical and industrial preparations or
43 products not sold as a beverage for human consumption, nor to the
44 shipment of wine to be used in the manufacture of patented,
45 proprietary or pharmaceutical preparations or products or in the
46 manufacture of fruit preserves. No such shipment shall be made
47 except with the approval of the department and only in such manner
48 as the department prescribes. The department shall notify the
49 Commissioner of Revenue Services of the approval of any such

50 shipment.

51 (b) The provisions of this section shall not prohibit a person, other
 52 than a minor, from producing beer for personal or family use only, in
 53 the following amounts: (1) One hundred gallons or less in one calendar
 54 year if there are two persons who have attained the age of twenty-one
 55 residing in the household; and (2) fifty gallons or less in one calendar
 56 year if there is only one person who has attained the age of twenty-one
 57 residing in the household. Such beer may be transported in sealed
 58 containers for use at organized affairs including beer exhibitions,
 59 contests or competitions. Such beer shall not be sold or offered for sale.

60 (c) The provisions of this section shall not prohibit a person from
 61 manufacturing or dispensing wine as part of an academic course in a
 62 curriculum established, approved by and under the control of an
 63 accredited institution of higher education and located on the premises
 64 of such accredited institution.

65 Sec. 3. Section 30-91 of the general statutes is repealed and the
 66 following is substituted in lieu thereof (*Effective October 1, 2009*):

67 (a) The sale or the dispensing or consumption or the presence in
 68 glasses or other receptacles suitable to permit the consumption of
 69 alcoholic liquor by an individual in places operating under hotel
 70 permits, restaurant permits, cafe permits, restaurant permits for
 71 catering establishments, bowling establishment permits, [racquetball
 72 facility permits,] club permits, coliseum permits, coliseum concession
 73 permits, special sporting facility restaurant permits, special sporting
 74 facility employee recreational permits, special sporting facility guest
 75 permits, special sporting facility concession permits, special sporting
 76 facility bar permits, golf country club permits, nonprofit public
 77 museum permits, university permits, airport restaurant permits,
 78 airport bar permits, airport airline club permits, tavern permits, a
 79 manufacturer permit for a brew pub, casino permits, caterer liquor
 80 permits and charitable organization permits shall be unlawful on: (1)
 81 Monday, Tuesday, Wednesday, Thursday and Friday between the

82 hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between
83 the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday
84 between the hours of two o'clock a.m. and eleven o'clock a.m.; (4)
85 Christmas, except (A) for alcoholic liquor that is served where food is
86 also available during the hours otherwise permitted by this section for
87 the day on which Christmas falls, and (B) by casino permittees at
88 casinos, as defined in section 30-37k; and (5) January first between the
89 hours of three o'clock a.m. and nine o'clock a.m., except that on any
90 Sunday that is January first the prohibitions of this section shall be
91 between the hours of three o'clock a.m. and eleven o'clock a.m.

92 (b) Any town may, by vote of a town meeting or by ordinance,
93 reduce the number of hours during which sales under subsection (a) of
94 this section, except sales pursuant to an airport restaurant permit,
95 airport bar permit or airport airline club permit, shall be permissible.
96 In all cases when a town, either by vote of a town meeting or by
97 ordinance, has acted on the sale of alcoholic liquor or the reduction of
98 the number of hours when such sale is permissible, such action shall
99 become effective on the first day of the month succeeding such action
100 and no further action shall be taken until at least one year has elapsed
101 since the previous action was taken.

102 (c) Notwithstanding any provisions of subsections (a) and (b) of this
103 section to the contrary, such sale or dispensing or consumption or
104 presence in glasses in places operating under a bowling establishment
105 permit shall be unlawful before two p.m. on any day, except in that
106 portion of the permit premises which is located in a separate room or
107 rooms entry to which, from the bowling lane area of the establishment,
108 is by means of a door or doors which shall remain closed at all times
109 except to permit entrance and egress to and from the lane area. Any
110 alcoholic liquor sold or dispensed in a place operating under a bowling
111 establishment permit shall be served in containers such as, but not
112 limited to, plastic or glass. Any town may, by vote of a town meeting
113 or by ordinance, reduce the number of hours during which sales under
114 this subsection shall be permissible.

115 (d) The sale or dispensing of alcoholic liquor in places operating
 116 under package store permits, drug store permits, manufacturer
 117 permits for beer or grocery store beer permits shall be unlawful on
 118 Decoration Day, Independence Day, Labor Day, Thanksgiving Day,
 119 New Year's Day, Sunday or Christmas or, if Independence Day,
 120 Christmas or New Year's Day occurs on a Sunday, on the Monday next
 121 following such day except that such sale or dispensing shall be lawful
 122 on any Independence Day occurring on a Saturday; and such sale or
 123 dispensing of alcoholic liquor in places operating under package store
 124 permits, drug store permits, manufacturer permits for beer and
 125 grocery store beer permits shall be unlawful on any other day before
 126 eight o'clock a.m. and after nine o'clock p.m. It shall be unlawful for
 127 the holder of a manufacturing permit for a brew pub to sell beer for
 128 consumption off the premises on the days or hours prohibited by this
 129 subsection. Any town may, by a vote of a town meeting or by
 130 ordinance, reduce the number of hours during which such sale shall be
 131 permissible.

132 (e) (1) In the case of any premises operating under a tavern permit,
 133 [or premises operating under a cafe permit,] wherein, under the
 134 provisions of this section, the sale of alcoholic liquor is forbidden on
 135 certain days or hours of the day, or during the period when a tavern
 136 permit [or cafe permit] is suspended, it shall likewise be unlawful to
 137 keep such premises open to, or permit it to be occupied by, the public
 138 on such days or hours.

139 (2) In the case of any premises operating under a cafe permit, it shall
 140 be unlawful to keep such premises open to, or permit it to be occupied
 141 by, the public between the hours of one o'clock a.m. and six o'clock
 142 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday and
 143 between the hours of two o'clock a.m. and six o'clock a.m. on Saturday
 144 or Sunday or during any period when the cafe permit is suspended,
 145 provided the sale or the dispensing or consumption of alcohol on such
 146 premises operating under such cafe permit shall be prohibited beyond
 147 the hours authorized for the sale or the dispensing or consumption of

148 alcohol for such premises under this section.

149 (3) Notwithstanding any provision in this chapter, in the case of any
 150 premises operating under a tavern or cafe permit, it shall be lawful for
 151 such premises to be open to, or be occupied by, the public when such
 152 premises is being used as a site for film, television, video or digital
 153 production eligible for a film production tax credit pursuant to section
 154 12-217jj, provided the sale or the dispensing or consumption of alcohol
 155 on such premises operating under such tavern or cafe permit shall be
 156 prohibited beyond the hours authorized for the sale or the dispensing
 157 or consumption of alcohol for such premises under this section.

158 (f) The retail sale of wine and the tasting of free samples of wine by
 159 visitors and prospective retail customers of a permittee holding a
 160 manufacturer permit for a farm winery on the premises of such
 161 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
 162 after eight o'clock p.m. and on any other day before ten o'clock a.m.
 163 and after eight o'clock p.m. Any town may, by vote of a town meeting
 164 or by ordinance, reduce the number of hours during which sales and
 165 the tasting of free samples of wine under this subsection shall be
 166 permissible.

167 (g) Notwithstanding any provision of subsection (a) of this section
 168 to the contrary, food or nonalcoholic beverages may be sold, dispensed
 169 or consumed in places operating under an airport restaurant permit,
 170 an airport bar permit or an airport airline club permit, at any time, as
 171 allowed by agreement between the state of Connecticut and its lessees
 172 or concessionaires.

173 (h) The sale or the dispensing or consumption or the presence in
 174 glasses or other receptacles suitable to permit the consumption of
 175 alcoholic liquor by an individual in places operating under a nonprofit
 176 golf tournament permit shall be unlawful on any day prior to eleven
 177 o'clock a.m. and after nine o'clock p.m.

178 (i) The tasting of free samples of beer by visitors of a permittee

179 holding a manufacturing permit for beer on the premises of such
 180 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
 181 after eight o'clock p.m. and on any other day before ten o'clock a.m.
 182 and after eight o'clock p.m. Nothing in this section shall be construed
 183 to limit the right of a holder of such permit to conduct manufacturing
 184 operations at any time. Any town may, by vote of a town meeting or
 185 ordinance, reduce the number of hours during which the tasting and
 186 free samples of beer under this subsection shall be permissible.

187 (j) Nothing in this section shall be construed to require any
 188 permittee to continue the sale or dispensing of alcoholic liquor until
 189 the closing hour established under this section.

190 Sec. 4. Subsection (b) of section 19a-342 of the general statutes is
 191 repealed and the following is substituted in lieu thereof (*Effective*
 192 *October 1, 2009*):

193 (b) (1) Notwithstanding the provisions of section 31-40q, no person
 194 shall smoke: (A) In any building or portion of a building owned and
 195 operated or leased and operated by the state or any political
 196 subdivision thereof; (B) in any area of a health care institution; (C) in
 197 any area of a retail food store; (D) in any restaurant; (E) in any area of
 198 an establishment with a permit issued for the sale of alcoholic liquor
 199 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a,
 200 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an
 201 establishment with a permit for the sale of alcoholic liquor pursuant to
 202 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,
 203 in any area of an establishment with a permit issued for the sale of
 204 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
 205 bowling establishment holding a permit pursuant to [subsection (a) of]
 206 section 30-37c; (F) within a school building while school is in session or
 207 student activities are being conducted; (G) in any passenger elevator,
 208 provided no person shall be arrested for violating this subsection
 209 unless there is posted in such elevator a sign which indicates that
 210 smoking is prohibited by state law; (H) in any dormitory in any public
 211 or private institution of higher education; or (I) on and after April 1,

212 2004, in any area of a dog race track or a facility equipped with screens
 213 for the simulcasting of off-track betting race programs or jai alai
 214 games. For purposes of this subsection, "restaurant" means space, in a
 215 suitable and permanent building, kept, used, maintained, advertised
 216 and held out to the public to be a place where meals are regularly
 217 served to the public.

218 (2) This section shall not apply to (A) correctional facilities; (B)
 219 designated smoking areas in psychiatric facilities; (C) public housing
 220 projects, as defined in subsection (b) of section 21a-278a; (D)
 221 classrooms where demonstration smoking is taking place as part of a
 222 medical or scientific experiment or lesson; (E) smoking rooms
 223 provided by employers for employees, pursuant to section 31-40q; (F)
 224 notwithstanding the provisions of subparagraph (E) of subdivision (1)
 225 of this subsection, the outdoor portion of the premises of any permittee
 226 listed in subparagraph (E) of subdivision (1) of this subsection,
 227 provided, in the case of any seating area maintained for the service of
 228 food, at least seventy-five per cent of the outdoor seating capacity is an
 229 area in which smoking is prohibited and which is clearly designated
 230 with written signage as a nonsmoking area, except that any temporary
 231 seating area established for special events and not used on a regular
 232 basis shall not be subject to the smoking prohibition or signage
 233 requirements of this subparagraph; or (G) any tobacco bar, provided
 234 no tobacco bar shall expand in size or change its location from its size
 235 or location as of December 31, 2002. For purposes of this subdivision,
 236 "outdoor" means an area which has no roof or other ceiling enclosure,
 237 "tobacco bar" means an establishment with a permit for the sale of
 238 alcoholic liquor to consumers issued pursuant to chapter 545 that, in
 239 the calendar year ending December 31, 2002, generated ten per cent or
 240 more of its total annual gross income from the on-site sale of tobacco
 241 products and the rental of on-site humidors, and "tobacco product"
 242 means any substance that contains tobacco, including, but not limited
 243 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

244 Sec. 5. Subsection (a) of section 31-40q of the general statutes is

245 repealed and the following is substituted in lieu thereof (*Effective*
246 *October 1, 2009*):

247 (a) As used in this section:

248 (1) "Person" means one or more individuals, partnerships,
249 associations, corporations, limited liability companies, business trusts,
250 legal representatives or any organized group of persons.

251 (2) "Employer" means a person engaged in business who has
252 employees, including the state and any political subdivision thereof.

253 (3) "Employee" means any person engaged in service to an employer
254 in the business of his employer.

255 (4) "Business facility" means a structurally enclosed location or
256 portion thereof at which employees perform services for their
257 employer. The term "business facility" does not include: (A) Facilities
258 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
259 (b) of section 19a-342; (B) any establishment with a permit for the sale
260 of alcoholic liquor pursuant to section 30-23 issued on or before May 1,
261 2003; (C) for any business that is engaged in the testing or
262 development of tobacco or tobacco products, the areas of such business
263 designated for such testing or development; or (D) during the period
264 from October 1, 2003, to April 1, 2004, establishments with a permit
265 issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-
266 26 or the bar area of a bowling establishment holding a permit
267 pursuant to [subsection (a) of] section 30-37c.

268 (5) "Smoking" means the burning of a lighted cigar, cigarette, pipe
269 or any other matter or substance which contains tobacco.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	30-37c
Sec. 2	<i>October 1, 2009</i>	30-77
Sec. 3	<i>October 1, 2009</i>	30-91

Sec. 4	<i>October 1, 2009</i>	19a-342(b)
Sec. 5	<i>October 1, 2009</i>	31-40q(a)

GL *Joint Favorable*